

104TH CONGRESS
2D SESSION

H. R. 3477

To amend the Fair Labor Standards Act of 1938 to restrict employers
in obtaining, disclosing, and using of genetic information.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1996

Mr. KENNEDY of Massachusetts introduced the following bill; which was
referred to the Committee on Economic and Educational Opportunities

A BILL

To amend the Fair Labor Standards Act of 1938 to restrict
employers in obtaining, disclosing, and using of genetic
information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION. 1. GENETIC INFORMATION.**

4 The Fair Labor Standards Act of 1938 (29 U.S.C.
5 201 et seq.) is amended by adding at the end the follow-
6 ing:

7 “GENETIC INFORMATION

8 “SEC. 20. (a) No employer may obtain from any
9 source genetic information about an employee or prospec-

1 tive employee unless authorized by such employee or pro-
2 spective employee in accordance with subsection (b).

3 “(b) An authorization for the disclosure of genetic in-
4 formation about an employee or prospective employee to
5 an employer is valid only if each of the following require-
6 ments is met:

7 “(1) The authorization is in writing, signed by
8 the individual making the authorization, and dated
9 on the date of the signature.

10 “(2) The authorization is not on a form used
11 for any other purpose.

12 “(3) The employer authorized to receive the in-
13 formation is specifically named in the authorization.

14 “(4) The authorization contains an acknowledg-
15 ment that the individual making the authorization
16 has received the statement described in subsection
17 (c).

18 “(c) An employer who wishes to receive genetic infor-
19 mation about an employee or prospective employee shall
20 provide the employee or prospective employee with a writ-
21 ten statement of the uses which the employer intends for
22 such genetic information.

23 “(d) If an employer obtains, discloses, or uses genetic
24 information without a valid authorization or not in accord-
25 ance with a statement provided under subsection (c), the

1 employee or prospective employee whose genetic informa-
2 tion was so obtained, disclosed, or used may bring a civil
3 action for actual damages and equitable relief.

4 “(e) Nothing in this section authorizes an employer
5 to obtain, disclose, or use genetic information about an
6 employee or prospective employee in violation of the Amer-
7 icans With Disabilities Act of 1990 or any other Federal
8 or State law that restricts access to, disclosure of, or use
9 of genetic information.”.

○